

**A COMPARATIVE STUDY OF WOMEN
IN EARLY MODERN ENGLAND AND THEIR
CONTEMPORARIES IN THE OTTOMAN EMPIRE**

A Senior Honors Thesis

By

EMILY ANNE JACKSON

Submitted to the Office of Honors Programs
& Academic Scholarships
Texas A&M University
In partial fulfillment of the requirements of the

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Group: Humanities

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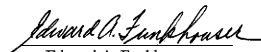
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ABSTRACT

A Comparative Study of Women
In Early Modern England and Their
Contemporaries in the Ottoman Empire. (April 2000)

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An old Arab proverb says, “People are more akin to their contemporaries than they are to their own forefathers.” Do the early modern women of England and the Ottoman Empire share more than their gender? English women of the early modern period and their Muslim contemporaries in the Ottoman Empire lived in worlds that, superficially, seem poles-apart. However, perhaps it is the emphasis on their *histories* that diminishes the similarities between these two groups of women. The West and the East shared at least one important characteristic—the complicity of women in their own oppression.

This paper does not attempt to answer the question that puzzles (troubles?) some modern feminists—why haven’t women worked towards securing “equality” sooner. Instead, it attempts to juxtapose the lives of women in two contrasting cultures, and look at the information available from and about the period to discover what these “pre-feminist” women shared, and how they were *different*. During this period, English and Ottoman ambassadors, travelers and captives were experiencing their first substantial contact with the other culture. Ecclesiastical court records from early modern England

give some insight as to the values which women felt they must defend. The literature from England which gives the most thorough looks inside the early modern home consists chiefly of domestic guides that perpetuate the patriarchal model. There are no works specifically about or by women from the 16th and 17th centuries in the Ottoman Empire; there exist only “veiled” references to women’s behavior and lifestyle in works by Ottoman men. This paper attempts to look beyond cultural and gender biases within these works to discover how women behaved within their largely misogynistic environments. Are there commonalities in the ways that women celebrated everyday, and important, “female” events (from market trips to marriages), and in the ways they conducted themselves under religious, social, political and economic restrictions? The aim of this comparison is to demonstrate to the modern day reader that despite Orientalist views which still persist in the West, the histories of their Christian and Islamic foremothers are linked by more than just superficial complicity in their own subjugation.

NOMENCLATURE

Abu Hurayra	Father of the Little Female Cat
akil	the ability to make socially mature judgements
al-ballana	bath attendant
al-ghasila	undertaker
al-naika	official mourner
al-sani`a	barber
al-qabila	midwife
avrat, avret	wife, mature (married) woman
bid`a	innovation, private initiative
er	mature man
ergen	see <i>mücerred</i>
fatwa	authoritative opinion on Islamic law by a Muslim jurist
fitna	temptation
gelin	young bride, daughter-in-law
hatun	wife, lady, woman
haya	modesty
hijab	curtain
`ila	vow to abstain from sex (when declared by husband, results in automatic divorce)
jahiliyya	era of ignorance
janaban	refers to contamination from act of sexual intercourse
jihaz	property a bride brings to her marriage
jilbab	cloak
kadi, qadi	judge in a court of religious law
kafa`a	equality; concerning marriage: principle that a woman should not marry beneath the social standing of her family
`khul	type of divorce where wife asks for husbands permission to divorce, and pays him a requisite sum for doing so.
kiz	girl, daughter, virgin
kiz çocuk	girl child

li'an	process whereby a husband repudiates both wife and child in the belief that the child was fathered by another man
mahr	dowry/gift presented to bride by future husband--refers to exchange of property, i.e. mahr is given in exchange for ownership of wife's sexual organs.
milk	ownership
mücerred	sexually mature but unmarried young man (also <i>ergen</i>)
nafaqa	maintenance paid by husband to wife in return for sexual availability
nasab	descent
nashiza	stubbornly disobedient (woman)
nuqsan	deficiency
ogul	son
oglan	pubescent male
oglancik	boy child
qibla	orientation of a Muslim at prayer--towards the Ka'ba in Mecca
sitr	curtain
sufaha	those who did not restrain their desires and who needed a tribal cheftan (as opposed to Allah's word) to keep them under control
ta'arrud	sexual aggression
thayyib	widows and other "non-virgins"
ulema	men of learning, Muslim ecclesiastical class
wali	guardian
zihar	act of husband comparing wife to a female relative within the prohibitive degrees of marriage (results in automatic divorce)
zina	fornication-- "sex without ownership"

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LIFE EXPECTATIONS

There is a proverb about England which says, "England is a paradise for women, a prison for servants, and a hell or purgatory for horses."¹ Perhaps for men, this seemed an accurate statement. But would the women of early modern England agree? Can the women of today identify with their foremothers? At present, women in most of the Western world enjoy more civil rights and freedoms in lifestyle and education than they ever enjoyed in the early modern period. We cannot say the same for all our contemporaries in many of the Islamic nations, where, in recent memory, the powers that be have responded to Western power in much the same way they responded to Western economic encroachment centuries ago: by reasserting Islamic "traditions," specifically, the systematic subjugation of women and the forced donning of the veil.

A nation, a commonwealth, a family, a person creates an identity by learning and emulating the best parts of his (their) history. An old Arab proverb holds that "People are more akin to their contemporaries than they are to their own forefathers."² What is true for women? Do women look to their particular history, and attempt to emulate the best parts of it? Or do they feel completely separated from what are often shadowy, undocumented figures in a world defined and recorded by men? By examining the lives of two seemingly polar groups of women--the English women and some of their fellow Europeans of the early modern period, and their contemporaries in the Ottoman Empire--I hope to find strands which link women across ethnic, cultural, and political boundaries. A juxtaposition of these two groups of women and their relationships with men (who

¹Rye, William B. *England as Seen by Foreigners in the Days of Elizabeth and James the First*, 1865, London, p. 7,14.

²Ahmed, Leila. *Women and Gender in Islam: Historical Roots of a Modern Debate*, Yale University Press, New Haven, Conn., 1992, p. 261.

*This paper follows the *MLA Handbook*.

produced almost all literature of the period, most of which contains either sparse or derogatory references to women) will give readers a better understanding of what the early modern woman of either society could expect in her life. These women are connected by more than their sex. Both groups were complicit in their own subjugation.

* * * * *

After the establishment of Islam's power within the Ottoman Empire in the tenth century, women's lives in the Ottoman Empire changed little until the early nineteenth century.³ During this span of time, several factors shaped the lives of women who lived in the shadow of Islam: laws and customs concerning marriage; the existence of polygamy, concubinage, and causeless repudiation (or the power of instant divorce) by the husband; the seclusion and veiling of women; the legal right of women to own property; and women's status in the class hierarchy.⁴ There exists no Arabic material written expressly by or about women, or their manner of life, from this society during this period. We can only "guess at their subjectivity," or make inferences from extant works. The best descriptions available are accounts by European captives and travelers.⁵ The existing works by Arabic men of the period often refer to women only to condemn their behavior. Here, works by Arabic/Ottoman men will be examined to learn of female practices encouraged and condemned by the fathers, brothers, and husbands of Ottoman women. The European texts provide discerning portraits of various classes of Ottoman women as they moved through the streets of the empire.

First, let us examine the life cycle of the Islamic woman in the Ottoman Empire. A variety of terms distinguishes between men and women at their different stages of life.

³Ibid., p. 103.

⁴Ibid.

⁵Ibid., p. 104.

These terms also reveal how society valued the sexes and the contributions they could make to society. In childhood, the sexes were closest to being equals. This is evident in court records, where the Anatolian Turkish adaptation of the Arabic (gendered) word for minor was used to describe young males or females, *sagirce/sagirece*.⁶ This was followed by the Turkish terms for little boy and little girl, *oglan* (boy child, derived from *ogul*, son), and *kiz çocuk* (girl child).⁷ Childhood ended, legally, with the attainment of “majority,” and with it came social responsibility, and *akil*, the ability “to make socially mature judgments.”⁸ For males and females, “majority” meant that at the minimum age of twelve, one was showing signs of physical maturation. In the absence of the physical evidence (i.e. menstruation), males were considered of age at eighteen, and females at seventeen.⁹

Marriage was the rule in Islamic society. Where no tradition of celibate priesthood or chaste nuns existed, celibacy was very rare. Most young women married between the ages of twelve and sixteen to seventeen.¹⁰ Young women were married at comparatively younger ages than men, as soon as they exhibited signs of physical maturity, so that the “awakening of sexual desire occurred within marriage.”¹¹ Females were referred to with only one term from birth to marriage--*kiz* (girl).¹² Males, in society’s view, had a far more complex journey from childhood to marriage than did females. Consequently, different terms existed to describe the pubescent male (*oglan*), and the sexually mature but

⁶Peirce, Leslie P. “Seniority, Sexuality, and Social Order: The Vocabulary of Gender in Early Modern Ottoman Society,” in Zilfi, Madeline C., ed. *Women in the Ottoman Empire: Middle Eastern Women in the Early Modern Era*, Brill, Leiden/New York/Köln, 1997, p. 172

⁷*Ibid.*, p. 172

⁸*Ibid.*, p. 173

⁹*Ibid.*, p. 173

¹⁰Ahmed, Leila, p. 104

¹¹Peirce, Leslie P., p. 181

¹²*Ibid.*, p. 176

unmarried young man (the Turkish *ergen*, or *mücerred*, excogitated from the Arabic).¹³ There also existed a term to describe a “socially disruptive” young man, the *levand*, who was considered a dangerous “sexual predator” from whom women and “carnally desirable” young boys needed protection.¹⁴ For a young woman, the change in identity came with marriage, and there existed **no** terms to describe an “old maid,” all other terms to describe women refer to her in some state of wedlock. She became *gelin*, which means the young bride, and the daughter-in-law. She would always be *gelin* to her in-laws, but her time as “young bride” would end with another, more crucial mark of adulthood.¹⁵

For both men and women, the final and most important step in the transition to “socially mature” adulthood was **parenthood**. As adults, age was not so relevant as how well “one conformed to society’s expectations of one’s life-cycle stage regardless of age.”¹⁶ The man would be known as *er*, and the woman as *avret* (in courts, she would be called *erlu avret*, which literally means an *avret* with an *er*, a wife who has a husband). Women might also be known by *hatun*, which is to *avret* what “lady” is to “woman.”¹⁷ Young brides were encouraged to keep the *gelin* phase brief, as they leapt straight from maidenhood to motherhood--the true mark of full-grown woman. It was parenthood, the mark of being responsible for others, which marked both male and female as fully mature adults.

The *avret* stage lasted until death, and other events, such as widowhood and the onset of old age, were less important than the fact that one was an *avret*. Women’s chief role fell within the boundaries of the household, in the care of the family and the

¹³ Ibid., p. 177-8

¹⁴ Ibid., p. 180

¹⁵ Ibid., p. 176-7

¹⁶ Ibid., p. 182

¹⁷ Ibid., p. 183

management of the home. For the upper and upper-middle classes, the ideology (most familiar to the West) of strict segregation kept the most “privileged” women off the streets. According to the Sunna (tradition), women should only go out if necessary, and then in a long, shapeless, unattractive garment. They also were expected to walk as close as possible to the walls lining the streets, so as to make way for men.¹⁸ Ibn al-Hajj, a fourteenth century member of the *ulema* class (“men of learning”), commented on the disturbing behavior of Cairene women who, instead of remaining dutifully in their homes, had the nerve to go to market, and to walk boldly down the street in pursuit of their groceries. He exhorted Muslim men to make any road narrow and difficult for women.¹⁹ He and, parenthetically, other men, desired for women to be completely concealed from the eyes of men, and forbade to look out of their houses. All doors and windows should be shut, and the rooftops kept off limits!²⁰

However, a gap certainly existed between this “prescription” and the actual life of Muslim women. Urban and lower class Egyptian women did not follow the rules of segregation and isolation strictly. Though upper-class (royal and extremely wealthy) women (who were the only class likely to be in a polygamous marriage) were confined to their homes, middle and lower- class women had considerable mobility within their neighborhoods. The working class woman could move freely throughout the city.²¹ It can be gathered from Ibn al-Hajj’s critical descriptions that most Cairene women went to market at least two times a week, on *suq of misr* (market day) on Sunday, and on Monday

¹⁸Lafti, Huda. “Manners and Customs of 14th-Century Cairene Women: Female Anarchy versus Male Shar’i Order in Muslim Prescriptive Treatises,” in Keddie, Nikki R. and Beth Baron, ed. *Women in Middle Eastern History: Shifting Boundaries in Sex and Gender*, Yale University Press, New Haven & London, 1991, p. 103.

¹⁹*Ibid.*, p. 103

²⁰*Ibid.*, p. 117

²¹Meriweather, Margaret L. and Judith E. Tucker, eds. *Social History of Women and Gender in the Modern Middle East*, Westview Press, Boulder, Colorado, 1999, p. 16

as well. According to al-Hajj, their favorite places to shop were the jewelers', the cloth merchants' and the shoemakers'. Peddlers traveled to residential areas selling domestic supplies such as milk, water, oil, flour and flax. The familiarity that might develop between a peddler and his regular customers, women (who customarily answered the door unveiled in urban Cairo), was seen as a threat to the honor of a household.²² As we will find in early modern England, the ideal quality of a wife was her **honor** to her husband. In all she did, no behavior should ever cast doubt upon her fidelity, which was crucial to ensuring the purity of the male lineage. No child born to a married woman should ever be suspected of being anything but fathered by the husband himself.²³

The purity of a noble family's lineage being, perhaps, more important than that of a working class family explains the relative freedom of a lower class woman vis-à-vis a noble woman. Though Ibn al-Hajj criticized all women for their "free" movement in the streets, the confinement and segregation of upper-class women was made possible by the relative mobility of the lower classes. These secluded women could have no contact with men outside their family, and in fact had little contact with any of their own male relations. To protect the chastity of the harem, lower-class female peddlers and street vendors came to their homes to sell their wares. The seclusion of upper class women required nothing less than an all-female staff of domestic servants to work in their quarters (though the royal families' harem might employ eunuchs).²⁴ Women also served as official mourners (*al-naika*), undertakers (*al-ghasila*), midwives (*al-qabila*), barbers (*al-sani'a*), bath attendants (*al-ballana*), and as experienced female doctors.²⁵ If one was a lower class

²²Lafti, Huda, p. 104

²³Peirce, Leslie P. p. 184

²⁴Ahmed, Leila. "Arab Women," in Tierney, Helen, ed. *Women's Studies Encyclopedia, Volume II*, Greenwood Press, New York, 1991, p. 31

²⁵Lafti, Huda, p. 106

woman, then, several careers were open that might not otherwise have existed, had there not been this *need* for “protection” of the harem.

Ibn al-Hajj’s commentary on the activities of Cairene women reflects an uneasiness felt by many men on women’s freedom of movement, and how this mobility could prove a threat to social order. It can be traced to the early days of Islam, when the “Hypocrites,” those who paid lipservice to Mohammed by converting to Islam, were causing much consternation for the Prophet. They tried to undermine Islam by restoring pre-Islamic traditions. The origin of the veil in Islamic tradition, as well as other sayings and traditions seemingly misogynistic, have their source in the unrest of male converts, and the misrepresentation of the sayings of the Prophet in the hadith (collections of writings, derived from sayings of the Prophet Mohammed, which give direction for leading a holy life).

The Sunna, and Muslim prescriptive literature, sees the female body as primarily a *repository* of male sexual pleasure, and thus a source of *fitna* (temptation) which should be concealed from the eyes of strange men. Perhaps if they were properly concealed (i.e. veiled and secluded), women would cease to threaten social order.²⁶ Though the *haya* (modesty) of women supposedly conceals female sexuality from men, a woman’s libido was considered far stronger than a man’s. A contradiction arises as Ibn al-Hajj advises his readers to satisfy the powerful female sexual desire, which was such a dangerous threat. As *fitna*, women should be concealed, yet their *haya* was believed to conceal this sexual power. Female clothing was viewed as serving the function of adornment for the sexual pleasure of one’s husband. Islamic women were legally permitted to wear gold, silver, and silk, to make up for their *muqsan* (deficiency) in mind and religion. In fact, one was

²⁶Ibid., p. 109

supposed to be able to *sense* the strong sexuality of women by their adornments--their makeup, perfume and finery.²⁷ According to one of the hadith, man, as the “repository of perfection,” is beautified and made taintless by God. Therefore, he is not permitted to adorn himself as a *mugsan* woman would.²⁸ Man, in his divinely ordained perfection, does not *need* to be embellished.

Though women should be concealed--to protect the men from their *fitna*--women's clothing itself was viewed as serving an important function. Their adornment was for the sexual pleasure of the husband, and therefore necessary. Ibn al-Hajj criticizes the overt adornment of women, “bitterly complaining” that women dress up and “bejewel” themselves to impress *other women* at the public baths, but wear their very worst clothes at home.²⁹ Later he complains about women who, in their homes, did dress in their best clothing, but instead of concentrating on tempting their husbands, watched the activities on the streets from rooftops and from behind laced window screens. Though this served as the chief form of entertainment for upper-middle and upper-class women who were largely confined to (and concealed in) their homes, Ibn al-Hajj complained that their true intent was *not* to watch the religious festivals and everyday street events--it was to allure men! The sight of their beauty, and the temptation of *male* beauty outside the laced screens, could jeopardize marital relations.³⁰

Beyond this, the sunna instructs both men and women to sleep in the nude!³¹

Why were Ibn al-Hajj and so many other Muslim men concerned about the power and threat of female sexuality, and why did some of the Prophet's companions seek to veil

²⁷Ibid., p. 107

²⁸Ibid., p. 109

²⁹Ibid., p. 111

³⁰Ibid., p. 117

³¹Ibid., p. 107

women? The seclusion of women and veiling have roots in Mediterranean and Mesopotamian-Iranian pre-Islamic practice. Ofttimes, the misogynistic religious views and attitudes about gender of the indigenous Muhajirun (those Muslims who first followed the Prophet and accompanied him from Mecca to Medina) were transferred to Islam.³² It is the superstitious, almost phobic attitude toward women that Mohammed asked his followers to reject as part of repudiating their *jahiliyya* heritage (the age of ignorance before Islam).³³ Many of these views persisted after the death of the Prophet, and these attitudes shape (and are enforced by) the legal system to this day. During the life of Mohammed, from 570 to 632 AD, women were neither veiled nor secluded. They took an active role in the community, in everything from poetry competitions to warfare (as nurses).³⁴ The Prophet took one of his wives (chosen by lot among the nine) on all his military expeditions. The experiences of early modern (and modern) women, as regards the practices which Muslim men have imposed upon them, do not reflect the way the Prophet himself treated women. In fact, the first appearance of the veil only indirectly involved a woman. The Prophet drew a curtain (*hijab*) between himself and one of his companions. The barrier was not put between a man and a woman, but between two men.³⁵

The Prophet was celebrating his marriage to Zaynab Bint Jahsh, and had invited nearly the entire Muslim community of Medina. He was impatient to begin his wedding night, and a few of his guests were slow to leave. Irritated, the Prophet left the room of the banquet, and paced up and down the courtyard, waiting for the rude guests to depart.

³² Ahmed, Leila, p. 29

³³ Mernissi, Fatima. *Women and Islam: A Historical and Theological Inquiry*, Blackwell, Oxford, 1987, p. 81

³⁴ Ahmed, Leila, p. 29

³⁵ Mernissi, Fatima, p. 85

When the guests finally left, and one of the Prophet's companions came to tell him so, the *hijab* (literally, curtain) descended.³⁶

The "descent of the *hijab*" involves two simultaneous events, one in the spiritual realm, and the other, quite physical. The guests had finally left. The Prophet, *and* the husband Muhammed, could now be with his new wife. The Prophet Mohammed wanted his house to be open to the world, but he did not expect his guests and followers to take advantage of this good will and invade his privacy.³⁷ He was understandably frustrated! When the companion Anas Ibn Malik came to tell him that the guests were gone, the Prophet drew a *sitr*, or curtain, between them--the *physical* aspect of the descent of the *hijab*. While he drew the curtain, he spoke verse 53 of sura 33 of the Koran. It is important to remember that the Koran is a book which is grounded in the day to day life of the Prophet and his community, and very often includes answers to particular circumstances.³⁸ The *spiritual* half is thus:

O ye who believe! Enter not the dwellings of the Prophet for a without waiting for the proper time, unless permission be granted you. But if ye are invited, enter, and, when your meal is ended, then disperse. Linger not for conversation. Lo! that would cause annoyance to the Prophet, and he would be shy of (asking) you (to go); but Allah is not shy of the truth. And when ye ask of them (the wives of the Prophet) anything, ask it of them from behind a curtain. That is purer for your hearts and for their hearts.³⁹

Curious, but true, this is the verse from which the prescribed veiling originates. An action by the Prophet to provide himself with privacy with his new wife somehow mutated into the belief that *all* women of Islam should conceal themselves. As mentioned before, the

³⁶Ibid., p. 87

³⁷Ibid., p. 185

³⁸Ibid., p. 86-7

³⁹Pickthall, Marmaduke. *The Meaning of the Glorious Koran*, Dorset Press, New York, n.d., p.305

Hypocrites in Medina, who tried to undermine Islam near the end of the Prophet's life, were the source of many problems which linger in some forms to this day. The most obvious manifestation of their antagonism is the veil, but other attitudes about women, which some companions of the Prophet promulgated, persist annoyingly as well.

It is difficult to understand the situation of any group of women in a specific period without understanding from whence they came. To understand why Muslim women of the Ottoman Empire were veiled, one must travel to Medina in the early seventh century. Many events led up to the decision to veil the *Prophet's* wives (and initially, it was his wives alone). One was the incident known as *al-ifk* (the lie), or "the affair of the necklace." The Prophet's favorite wife, A'isha, accompanied him on a certain expedition. At some point, she lost her favorite shell necklace, and the caravan left without her as she was searching. When she was missed, the Prophet ordered a halt. She later appeared, accompanied by a young companion named Safwan Ibn al-Mu'attal. A defamation campaign was begun by the leader of the Hypocrites against the innocence of A'isha. Seventeen verses of the Koran would come down from heaven to defend the innocence of A'isha, but not before the Prophet himself addressed the public from the *minbar* in the mosque, "How does somebody dare to throw suspicion on the house of the Prophet of God?"⁴⁰

At the same time, the streets of Medina (in a state of civil war) lacked security, and as the Hypocrites attempted to defame A'isha, they also engaged in *ta'arrud*, which means sexual aggression. Literally, they accosted women in the streets, and assailed the wives of the Prophet as well. The Hypocrites would claim they only would bother the women who

⁴⁰Mernissi, Fatima, p. 177-8

looked like slaves, the only ones with whom *zina* (fornication) was even thinkable, but one could not tell the difference between a free woman and a slave.⁴¹

That is, unless, there was some way to *visibly separate the free from the slave*.

The lack of security in the streets, the attacks on A'isha, and the pressures of some of the companions who, before conversion, had been his fiercest enemies, all combined to break down the will of the Prophet. Between the dream of Mohammed--a society where women could move freely because the social controls were the disciplines of the Muslim faith--and the *jahiliyya* customs of the Hypocrites--who saw women as objects of envy and violence--one vision would prevail.⁴² Mohammed's message was that of a community where individuals have rights, and are treated with respect, because they believe they have a link with God, and because they are reasoning humans who exercise self-control--not because they belong to a particular tribe.⁴³ Unfortunately, the Hypocrites prevailed. Mohammed chose immediate security for himself, his wives and the believers instead of waiting for Islam to root itself in the minds of the people. One of his followers, 'Umar (a former fierce enemy who would become the third caliph), advocated the veiling of free women to distinguish them from the slaves, and the verse soon came from heaven:

O Prophet! Tell thy wives and thy daughters and the women of the believers to draw their cloaks (*jilbab*) close around them (when they go abroad). That will be better, that so they may be recognized and not annoyed.⁴⁴

The slave women could now be attacked in the streets. The women who thusfar in Muslim history had been advocates with and for the Prophet, for the increase of women's rights--these women were finally *safe*. The wives of the Prophet, his closest advisors, his

⁴¹Ibid., p. 178

⁴²Ibid., p. 187

⁴³Ibid., p. 188

⁴⁴Pickthall, Marmaduke, sura 33, verse 59

companions on military expeditions, they were now *covered* and *protected* from the Hypocrites. To veil the free women, however, doomed the slaves to unsafe streets, unescapable confrontations, *ta'arrud* and *zina*. The *hijab* descended, and with the women divided between protected and unprotected, the streets were now under the power of the *sufaha*, "those who did not restrain their desires and who needed a tribal cheifan," not the discipline of the word of Allah, "to keep them under control."⁴⁵ Those who were once free to advocate for women's rights were now silenced, and those who needed the intercessors were more vulnerable than ever.

The Muslim women of the Early Modern Ottoman Empire lived very different lives from their "foremothers," the wives of the prophet. Not only did they have to contend with the veil, but also many false hadith, or sayings, which were attributed to the Prophet but have been discredited because the person who *claims* to have heard the saying has been shown to be dishonest. It is many of these hadith, however, which are still used today to justify the subjugation and marginalization of women. Some of these hadith will be discussed later.

* * * * *

Now, having explored the lifecycle of a sixteenth century woman in the Ottoman Empire, and the origin of some of the traditions which shaped her existence, we will turn to her sister in early modern England. The women of England and parts of Europe (i.e. France) during this period may have lived just prior to, during or after what is also referred to as the Elizabethan era. I can think of no other period named for a woman where women were so complicit in their own oppression (Elizabeth herself lived a life quite different from that of her subjects). It is the bulk of her subjects, the lower and

⁴⁵Mernissi, Fatima, p. 187

middle classes, who will be examined in comparison to the women of the Ottoman Empire.

The early modern English woman begin her married life somewhat later than her Ottoman counterpart. As the daughter of a peasant farmer, or an artisan, or even of a family of the "middling sort," a young woman (and a young man) could expect to be sent out to work in the home of a similarly or better situated family as an adolescent. Common law compelled any *unmarried, unemployed* woman between 12 and 40, "to serve and be retained by year, week or day...and if she refuse, they may commit her to prison, till she shall be bound to serve."⁴⁶ This law was variably enforced, but was intended to keep young women occupied (and therefore honest), and prevent increases in the vagrant population. Certainly mischief could occur anywhere, even under the sharp eye of one's master, but a young woman was less likely to fall into trouble if she was monitored by her parents or her guardian master and mistress. A large number of young girls found work as household maids, and women were hired out to oversee brewing, baking, cooking, and the production of dairy products.⁴⁷ There was also, of course, the midwife, and the prostitute (although which is truly the "oldest profession" is debatable).

The traditions of live-in service and apprenticeship kept young women and men out of the "marriage market" until at least their mid-twenties to early thirties. Marriage was a highly privileged status, as at least a tenth of the population never married, and mortality rates were such that only thirty percent of the population was married at any particular time.⁴⁸ The average age for marriage in the sixteenth and seventeenth century

⁴⁶E., T. *The Lawes Resolutions of Womens Rights*, John More, esq., London, 1632, p. 8

⁴⁷Camden, Carroll, p. 146

⁴⁸ Wall, Richard. "The Household: demographic and economic change in England, 1650-1970," *Family Forms in historic Europe*, eds. R. Wall, J. Robin, and P. Laslett. Cambridge, 1983, p. 498.

was between 24 and 26 for women, and 27 and 28 for men.⁴⁹ Young persons would not even begin to consider marriage until they were assured of economic independence. A young artisan would not plan to marry until he was near the end of his apprenticeship or had joined a guild; likewise limited opportunities for land ownership, employment, and housing limited the number of marriages for artisans, peasants and the middle class in general.⁵⁰ "Child" marriages did occur, but were rare, and were mainly confined to the gentry.

Though the impetus to marry young girls off as soon as they showed signs of maturity was, for the most part, absent from Elizabethan society, there was *no lesser* emphasis on guarding the honor of women. The virtue of a woman was tied up in her reputation. Sexual behaviour was one component of a person's reputation, which could not be segregated from other social questions.⁵¹ For women in particular, the center of one's reputation was sexual behaviour, which was often linked to general honesty. For example, in 1566, Thomas Barne of Girston attempted to undermine a witness's credibility by revealing that she had borne an illegitimate child, and had not yet done the appropriate penance, assuming that a woman who did not at a minimum do penance for bearing an illegitimate child could not be trusted.⁵² Defamation litigation during this period reveals much about the differences between the reputations of men and women. While men complained of being called thieves, drunkards, and blasphemers, the sexual insults they contested dealt with the behaviour of their *wives*, as in being cuckolded. For both men and women, sexual insults predominated, but for women, they were of much greater

⁴⁹ Gillis, John R. *For Better, For Worse: British Marriages, 1600 to the Present*, Oxford University Press, New York, p. 111.

⁵⁰ *Ibid.*, p. 22.

⁵¹ Amussen, Susan D. *An Ordered Society: Gender and Class in Early Modern England*, Colombia University Press, New York, 1988, p. 100.

⁵² *Ibid.*, p. 100.

concern. The equivocal insults of “ ‘whore,’ ‘jade,’ ‘bitch,’ and ‘drab’ had more concrete sexual implications than the equivalent insults – ‘whoremaster,’ ‘rogue,’ and ‘knave’ – for men.”⁵³ The reputation of a woman was more narrowly rooted in sexual behavior, and was more easily threatened than a man’s reputation. Women had to protect their reputations from charges of being a whore, cuckolding their husbands, keeping a bawdy house, or having illegitimate children. In the few cases of litigation from this period involving women who were *not* directly suing for sexual defamation, they were often going to court over “non-sexual” insults which were connected with sexual misbehavior. To be accused of being a scold implied that a woman beat or cuckolded her husband—so even non-sexual defamation, accusations of mere disorderly behavior, were connected with women’s sexual behavior. The preservation of one’s sexual reputation could give a woman credit in a world where the organizational structure, and public identity, was associated exclusively with males.

Early modern society in England was a homosocial society; the friends of one’s youth were not a mixed company. Young persons were allowed little privacy, and any interaction with the opposite sex was mainly confined to public fairs and festivals. A certain latitude was given to young persons in the selection of one’s future mate, and the departure from home as a teenager to an apprenticeship or period of service urged independent decision making that affected how the rest of one’s life would pan out. This independence was tempered by the transfer of authority from the parents to the heads of the other households, and also to relatives and neighbors who kept a watchful eye on each other. The most important group “entrusted” with regulating the “heterosexuality,” and thus the honor of an individual, was his or her homosocial peer group.⁵⁴ The peer group

⁵³ Ibid., p. 102.

⁵⁴ Gillis, John R., p. 22

could be trusted to keep sons and daughters from unsavory alliances by pressure and advice.

In the rank and file of early modern English society, child marriages and arranged marriages are difficult to find. The advice and consent of parents, friends and neighbours (with more control exercised over the women) would weigh in on a young couple's decision to marry, but approbation was not usually withheld when a young couple desired to wed. The young persons themselves were the chief initiators and decision-makers when it came time to marry.⁵⁵

The qualities most discussed when it came time to choose a spouse were those of the *woman*. The many manuals written to guide householders in the sixteenth and seventeenth centuries reflect the relationships between men and women in Early Modern England. From 1528 to 1633, more than thirty works were published dealing with the organization and duties of wives and husbands in the home.⁵⁶ "As ever man's house is his Castle, so is his family a private commonwealth, whereas if due government be not observed, nothing but confusion is to be expected."⁵⁷ These manuals were written as guides to both men and women on how to conduct their daily affairs, describing the family as a small "body politic."⁵⁸ They often included information on choosing a suitable spouse, essential to the formation of "this honourable estate, which God himself the founder of all ordained and consecrated [...]"⁵⁹

⁵⁵Wrightson, Keith. *English Society, 1580-1680*, New Brunswick, 1982, p.78-9

⁵⁶ Camden, Carroll, p. 109

⁵⁷ Richard Brathwait, Esq., *The English Gentlemen: containing sundry excellent rules, or exquisite observations* (London, 1630), p. 155

⁵⁸ Camden, Carroll, p. 110

⁵⁹ Tilney, Edmund. *The Flower of Friendship* (Henrie Denham, London, 1573), Cornell University Press, London, 1992, p. 104

To justify their arguments about the “nature” of women, and the relationships between husbands and wives, the writers of these domestic guides used both classical and Biblical examples to satisfy the humanist leanings of the period. For example, in *A Chrystal Glasse for Christian Women*, Philip Stubbes describes his late wife Katherine as a model for women by citing that, “She obeyed the commandement of the Apostle, who biddeth women to be silent, and to learne of their husbands at home.”⁶⁰ In his book *Of Domesticall Duties*, the Reverend William Gouge uses Eve’s culpability to justify the subjection of the woman to the man. He claims that God’s decree, “thy desire shall be subject to thine husband,” was a punishment for her transgression, and a trial for her obedience, and he decrees that a woman’s first duty is to accept her subjection.⁶¹ Meanwhile, in Italy, Alberti wrote a guide to instruct the husband in managing a proper *pater familias* that looked to Xenophon’s *Oeconomicos* to help elevate his peers to Italy’s former classical brilliance. “You will notice the bare simplicity of the style, and in this you will recognize I have done my best to imitate the charming and delightful Greek writer Xenophon....”⁶²

For Elizabethans and early modern persons in general, a woman’s background was considered when choosing a wife, for good parentage (and good breeding) would presumably be passed on to one’s children.⁶³ In Edmund Tilney’s *The Flower of Friendship*, a dialogue among noble persons not unlike *The Book of the Courtier* by Castiglione, a group of men and women debate various subjects, including the choosing of

⁶⁰Stubbes, Philip. *A Chrystall Glasse for Christian Women*, Printed for John Wright, London, 1632, p. A2v

⁶¹Gouge. *Of Domesticall Duties: Eight Treatises*, Printed by John Haviland for William Bladen, London, 1622, p. 268

⁶²Alberti, Leon Battista. *The Family in Renaissance Florence, Book III*, translation by Renée Neu Watkins, Waveland Press, Inc., Prospect Heights, Illinois, 1994, p. 24

⁶³Camden, Carroll, p. 62

a spouse, and the conduct of a marriage. Tilney suggests that “equalitie is principally to be considered in this matrimoniall amitie, as well of yeares, as of the giftes of nature, and fortune. For equalnesse herein, maketh friendlinesse.”⁶⁴ Equality or closeness in age is important; in *The Flower of Friendship* one character suggests that the husband and wife should be no more than four or five years apart. Other writers did not comment on the age of the man so much as the woman, who should be young so as to bear children.

And what of her temper? Her appearance? Her wealth and lineage? The manuals vary in the weight they put upon a woman’s different assets. In *The Flower of Friendship*, Maister Pedro observes that though “Wee all seeke the fayrest, the richest, and noblest,” men ought to choose their wives with their “eares...to enquire of hir vertues, and vices, by report whereof you shall understande hir conditions, and qualities, good, and bad.”⁶⁵ However, a less romantic Maister Gualter responded to Maister Pedro that no wife can wholly please a man. He speaks of a wise man, “I knowe not hys name,” who had married four times to four different women. The first was fair, and he was “faine to please her” lest she make a cuckold of him. The next, rich, so “stately, that he was forced lyke a slave to obey her....” The third wife was so virtuous he had to work to “keep hir still in hir vertuous goodness,” and the last “was of good lineage, which so exalted her stomake, that shee made him hir bondman.”⁶⁶ No wife, even those with preferred qualities, can satisfy Maister Gualter! Other “pragmatic” Elizabethan men would agree with Gualter. Richard Brathwait argues that a good dowry cannot make a good wife worse, and will certainly make a poor wife “more palatable;” a foolish man chooses neither a good dowry nor a good wife!⁶⁷ Joseph Swetnam agrees on the importance of money, pointing out that

⁶⁴ Tilney, Edmund, p. 108.

⁶⁵ Ibid., p. 110.

⁶⁶ Ibid., p. 111.

⁶⁷ Brathwait, Richard, *The Good Wife: or, A rare one amongst Women*, London, 1618, B4.

a man who marries his wife for her beauty “is likely to treat her like ‘kitchinstuff,’ while if a wife brings a good dowry the husband will always find something in his wife to be in love with.”⁶⁸ Though some writers felt that the emphasis on wealth set a marriage up for failure (wives bringing wealth to a marriage having the potential to be so obnoxious as to drive their husbands to other women), economic security could not be discounted.⁶⁹

The emphases on the troubles that a “poor” wife could bring are evident in the focus on feminine weaknesses in contemporary writings. After the Reformation, the view of wives as *partners* versus *property* may have become more widespread, but women’s rights did not change significantly. The early modern texts addressing “home economics” varied somewhat in their approaches to the relationships between men and women. Though some (Protestant guides) called on men to see their wives as yoke-fellows, lifelong partners and valuable advisors, nearly all emphasized the subjection of women, and found both Biblical and “natural” reasons for their lesser status. Women faced criticism at every turn—they could not even meet in a group without censure, for gossips appealed to each other’s baser natures. Those who would acknowledge the possibility of female intelligence and ability would deviate to emphasize their position as underlings in the gender hierarchy. No male writer would admit the complete equality of men and women, for to undermine the basis of the patriarchal household would undermine the patriarchal society. In the Ottoman Empire, the proliferation of false, misogynistic hadith (or false statements), attributed to the Prophet, helped give fuel to those who would keep women “in their place.”

It would be ludicrous to claim that all men of Early Modern England, and Europe in general, were misogynists. Every man did not publish works that justified the

⁶⁸ Camden, Carroll, p. 62.

⁶⁹ Ibid., p. 63.

subjugation of women, but more than a minority of men and women had to have believed the biological and social arguments for the restraint to succeed so completely. More than a minority assuredly read the plethora of domestic treatises, for numerous texts went into multiple editions. Just as old *jahiliyya* traditions of veiling and seclusion were transformed into essential Muslim “doctrine,” so were repressive ideals about Christian women circulated and affirmed through domestic treatises and other publications that dealt with the status of women. The true egalitarian spirit of both religions was somehow lost along the way.

Some support for quasi-feminist arguments do appear in such works as *A Letter Sent by the Maydes of London* and *The Challenge Sent by a Young Lady to Sir Thomas, or, The Female War*, and even in Philip Stubbes’ descriptions of the apologetic Katherine in *A Chrystall Glasse for Christian Women*. In the published letters, women (or men writing in the guise of women) defended their sex against the particularly extreme defamation of one or several male writers. *The Female War* claims to be the first “battle of this nature that was ever fought in England,” and, as a “diversion” for the ladies in winter, it was a “call to *pens*” for ladies to defend their sex.⁷⁰ In this collection, several men wrote letters criticizing women for everything from wearing makeup (“vizard masques”) to being proud, vain, and fashionable. What sets this work apart, however, are the astute replies by women to these attacks. In the second letter, Sir Thomas writes “Against the Sexes Pride & Vanity.” Women, he claims, were made for men, but in their vanity think quite the opposite! Women’s “Patching and Painting, and Curling and Dressing, and fooling,” all done in vainglorious self-admiration, leads them to dangerous presumptions:

⁷⁰Sir Thomas, “Letter 1, Against Love,” in *The Challenge Sent by a Young Lady to Sir Thomas, or, The Female War*, E. Whitlock, London, 1697, p. 1

“tis in your pretences to equality with your Lord and Sovereign; that Nobler Creature, whom you were made to serve and obey, a sort of an Appendix you are to Mankind, a Crutch to his Mortal Nature, made (one would be tempted to think) on provision of the Fall (had not you yourselves been the Principal Actors in it), without which one can scarce imagine there had been any need of you.”⁷¹

Women, it seems, would have been an appropriate punishment for the fall of mankind, had not they themselves been the *cause* in the first place. In fact, women were created just so that the fall would be possible. This is obvious to Sir Thomas by women’s behavior--they seek a quantity of lovers, only to incite them to duel, and a woman can find fault with every other woman she knows or meets.⁷²

Sir Thomas is answered by the articulate (and hopefully, actually female) Elizabeth Willet. To his accusation that women are over-fond of grooming, she responds that many persons are as likely to see pride and vanity in “a *morose* and *undecent Dress*, and *Deportment*,” as others will find in the most expensive and fashionable dresses and ornamentation. She asks, concerning men, “If we are vain, are they otherwise? If we are Proud, are they humble?” She reminds Sir Thomas and men in general that,

“*Our Governors* you were constituted, but not our Tyrants; we were given you as *Wives*, not *Slaves*, and there can be no greater *Indication of Vanity*, then to pretend to an absolute Authority, where you have no Right to any but what is *limited* and *legal*.”⁷³

An excellent argument by Madam Willet; however, English Common Law permitted the husband rights which, if he exercised them, put him close to the “Tyrant” side of the domestic harmony spectrum. Once married, wives’ “desires (are) or subject to their

⁷¹Sir Thomas, “Letter 2, Against the Sexes Pride & Vanity,” in *The Challenge Sent by a Young Lady to Sir Thomas, or, TheFemale War*, E. Whitlock, London, 1697, p. 14-15

⁷²*Ibid.*, p. 18-20.

⁷³Willet, Elizabeth. “Answer to Letter II,” in *The Challenge Sent by a Young Lady to Sir Thomas, or, TheFemale War*, E. Whitlock, London, 1697, p. 23-24

husband...The Common Laws have shaken hand with Divinitie.”⁷⁴ A married woman ceased to exist as a person once she married; the husband and wife became one, personified in the husband. A husband could beat his wife (within reason), and marital rape did not exist when Ecclesiastical and State authorities decreed that the desires of the wife were subject to the husband’s.

In Letter V of this collection, “Against Vizard Masques,” Sir Henry expounds on his earlier complaints on women’s use of cosmetics and finery. Sir Henry comments, “If you are really *handsom*, you injure both yourselves and us, by clapping this *Potlid-face* between us and you.”⁷⁵ Taking their cue from the pale Queen Elizabeth, the feminine ideal was seen in the extremes of red and white. The early modern English woman used whatever materials were available and fashionable on her face, neck and décolletage to achieve the desired look. The necessary whiteness of the skin was achieved with extremely harsh chemicals, such as white lead (known as Ceruse), Borax, and sulphur.⁷⁶ After whitening the skin, red coloring would be used to ruddy the lips and cheeks. Red ocher, Vermillion (red crystalline mercuric sulphide), “coccum” (a dye from crushed cactus insects), and brasil (a dye from a red East Indian tree mixed with fish glue) were among the tools used to create a “maidenly blush.” Plume alum and rock alum were mixed with red dyes, and used as both astringent and abrasive, to scrape the skin so the color would absorb better, and to heighten the cheeks’ natural blush.⁷⁷ The white lead would certainly whiten the skin, and the alum would produce a lovely blush, but the chemicals would also cause premature aging and other distressing skin and general health

⁷⁴E., T., p. 6

⁷⁵Sir Henry, “Against Vizard Masques,” in *The Challenge Sent by a Young Lady to Sir Thomas, or, The Female War*, E. Whitlock, London, 1697, p. 23-24

⁷⁶Camden, Carroll, p. 178-9

⁷⁷Ibid., p. 180-1

disorders.⁷⁸ Sir Henry describes the woman who suffers from ill-effects of makeup, which both produces and conceals “unpleasing defects,” as a frightful beast.

“Well, after all this Chatt, which has lapsed 2 or 3 scenes, up goes the Curtain and a very Sycorax stares us in the face, so Frightful & perhaps Ghastly, that if Macbeth's a playing, we are ready to take you for one of the Witches...”⁷⁹

The use of makeup was criticized in many early modern publications--not only for the damaging effects, but also for moral and religious reasons. Cosmetics implied a licentious and wanton nature, or at least was another means by which misogynistic authors could produce and sell more books on the familiar anti-female subject. The church was opposed to “bedizened and bejeweled” women, but this attitude was not heeded.⁸⁰ Early modern women dressed and painted to impress each other, as Sir Henry complained, but also to “enhance” the gifts of nature, and cover the inevitable marks of time. Perhaps it was the *deceptive nature* of cosmetics which was sufficiently threatening to provoke the many published attacks on its use. The overriding fear of women’s sexual deception spilled over into their use of cosmetics and their choice of apparel. Careful application and manipulation could conceal faults in a figure or a face, and not only trick the husband into marriage, but later, “such a wanton wife...Opens the doore unto all leaud desires, And with vile drugs adultering her face, Closely allures the adulterers embrace!”⁸¹

The Puritan influence is evident in arguments against painting and fashionable dress which claimed that such tendencies came from the irrepressible pride and vanity of women. Clothing was “ordayned of God to cover our vile nakedness...not to Garnishe & pride our selves with them.”⁸² A good, chaste Christian woman would not dress beyond

⁷⁸Ibid, p. 178

⁷⁹Sir Henry, Letter V, p. 67

⁸⁰Camden, Carroll, p. 211

⁸¹Ibid., p. 209

⁸²Ibid., p. 232

her husband's means, and would limit herself to sober, modest, utilitarian clothing. She would neither dress nor paint to attract suitors, but would dress simply and neatly, and keep her face clean from "adulteration." The wise old Gianozzo explains to his young audience in *The Family in Renaissance Florence* how he taught his wife a valuable lesson about wearing cosmetics. He had warned his young wife about the damage that make-up could do to one's skin, but at an Easter dinner party, she "had covered her face with pumice, in God's name, and she talked all too animatedly with each guest on his arrival or departure."⁸³ Here, the use of cosmetics is linked with inappropriate behavior--flirting with her dinner guests. Rather than publicly humiliate his wife, Gianozzo waits until they are alone, and, smiling at her,

"I...said, 'Oh dear, how did your face get dirty? Did you by any chance bump into a pan? Go wash yourself, quick, before these people begin to make fun of you. The lady and mother of a household must always be neat and clean if she wants the rest of the family to learn good conduct and modest demeanor.'

"She understood me immediately and at once began to cry. I let her go wash off both tears and make-up. After that I never had to tell her again."⁸⁴

Good Gianozzo cured his wife of the desire to wear cosmetics by reminding her of the social implications--wearing make-up was a sign of libidinous woman. Mere attempts at minor self-improvement were construed to be signs of vanity and licentiousness. However, the many written attacks on women's overindulgence in makeup and fancy clothing were likely exaggerated for effect, because women continued to wear make-up despite the ridicule and warnings. John Donne reminds men to "loue her who shewes her great *loue* to thee, in taking this paines to seeme *louely* to thee."⁸⁵

⁸³Alberti, Leon Battista, p. 85-6

⁸⁴Ibid., p. 86

⁸⁵Camden, Carroll, p. 213

We can see a marked difference between the attitudes of Ottomans and the English on the subject of women's adornment. Both societies recognized the penchant of women to ameliorate their appearance, and both criticize this action when it seems bent on attracting the attention and praise of anyone other than her husband. However, the Islamic woman was permitted this indulgence because it made up for her spiritual inferiority, whereas the English woman was encouraged to enhance her Christian virtues by reflecting modesty and sobriety in her dress. Islamic women in the Ottoman empire were discourage and criticized when they flaunted their best clothing at the public baths and at the markets, but their clothing served an important function. Make-up, perfume, and finery such as gold, silver and silk functioned as embellishment for the sexual pleasure of husbands. To dress up for the gratification of one's husband was acceptable and encouraged behavior. For Muslims, sex was an important part of the marital relationship, as demonstrated by the Sunna which encouraged sleeping in the nude, and equal attention paid to each wife (in the case of polygamy). The English husband seems to have found more to praise in modest appurtenances, which did not drain his purse, or cause him to fear a cavorting, cuckolding wife.

THE WOMAN'S PLACE

The sixteenth century woman living in the Ottoman Empire was restricted in many ways, and in the period literature there is much criticism of some of the rituals and solemnizations which marked the daily and the noteworthy events of her existence. The early modern English woman was also criticized for woman-centered celebrations such as churching. The critical commentary had little effect on either of these groups. Any activities which did not require male participation, or that could occur with no male supervision, gave rise to male fears of female anarchy. Male critics of female independence felt the need to limit or ban any activity which took women outside the home, like a meeting of "gossips" in the neighborhood tavern, or which brought women together in unbridled joy, like the celebration of a birth. Women's chief role in both societies fell strictly within the boundaries of the home. However, the nature of society required females to seek extra-domestic employment in both societies. Common law required unmarried English women to seek employment, and the seclusion of the upper class ladies in the Islamic culture necessitated female peddlers, servants, etc., to preserve the honor of the sequestered women. The care of the family and the overall management of the household itself required trips to the market and regular visits of a midwife. Women of both cultures could find a sense of security and control over their daily lives when they observed superstitions and traditions, passed down from mother to daughter, that marked the mundane and the miraculous.

* * * * *

Cairene women believed in closely following a weekly schedule of domestic activities, along with performing specific household tasks on religious occasions, to insure the well-being of the family. Abstaining from certain aspects of their domestic duties on various days of the week allowed them some rest, and also gave them more

control over their own daily lives. What little autonomy Ottoman women had was in the management of the household, and maintaining this timetable extended that authority over the behavior of their husbands and even what the peddlers could sell. On Wednesdays, they bought no milk. On Saturdays, they would not wash clothes, they would neither purchase nor cook food, nor would they visit the public baths. On Mondays, Tuesdays and Thursdays, the women performed their necessary domestic chores, such as cleaning, and spinning and combing flax (which consumed much of the average Cairene housewife's time).¹ On Fridays, the men were off from work to attend the mosque, and therefore the women abstained from spinning and combing flax so they could spend more time with their families. Ibn al-Hajj, a 14th century scholar, member of the ulama class, criticized women for not working on Sundays or Saturdays, saying such un-Islamic behavior was in imitation of Christians and Jews.² He was critical of their superstitious domestic rituals, pagan remnants.

Ibn al-Hajj, like other Ottoman men, criticized many activities that brought women into unsupervised contact with each other. Corruption was sure to follow!³ Though few details survive, the excessive gaiety of women during marriage celebrations and after births were easy targets for cavil. Women were often unveiled during the marriage ceremonies, which included unveiled female singers and other entertainment. The women sounded their felicity with ululation--trilling cries of joy, clapping, and dancing and singing to the tambourine.⁴ The fertility of females was highly prized in a period of acute child mortality, and so the birth of a child was marked by what Ibn

¹Lafiti, Huda. "Manners and Customs," p. 105

²Ibid., p. 105

³Ibid., p. 104

⁴Ibid., p. 105

al-Hajj called *female-innovated* rituals.⁵ Innovation, or *bid'a*, is any private initiative and is deemed *errant behavior*. *Bid'a* is, in Islam, a “scandalous violation of the sacred tradition,” and as a Muslim must be literally *submissive*, displays of individuality are discouraged and condemned. For example, ‘A’isha’s (the wife of the Prophet) participation in the Battle of the Camel (a revolt against the second caliph chosen after the Prophet’s death) was considered *bid'a* and was condemned.⁶ The fact that the name of the battle itself has no reference to ‘A’isha’s leading role in the fight against a suspiciously-chosen leader demonstrates the value that was placed on submissiveness, and reserve, in women.

As women were increasingly marginalized in religious celebrations and other public aspects of life in the years following the Prophet Mohammed’s death, women turned to less orthodox expressions of faith, such as the public or private celebrations led by the Sufi orders. These celebrations were served by the segregated nature of religious practice in Islam. The men were excluded to preserve the chastity of the women, but their absence allowed uncensored and uninhibited praise and revelry by the women. The female Sufi shaman-priest, *shaikha*, led the women in clapping, dancing, and chanting to the music. The *shaikha* also preached and told stories.⁷ Women also followed other ancient practices, following the birth or death of a relative, which Ibn al-Hajj criticized as being “so engrained in their daily lives,” they were almost as important as religious rituals.⁸ Why were these practices so important? Just as the regulation of the everyday household duties gave women a certain autonomy, observance of other ancient traditions on important occasions also increased the control a woman could exercise over her life.

⁵Ibid., p. 111

⁶Mernissi, Fatima. *Women in Islam*, p. 5, 22

⁷Lafti, Huda, p. 114

⁸Ibid., p. 111

Also, as mentioned before, women were increasingly marginalized in the more orthodox Islamic celebrations.

The misogyny ingrained in the Arab Mediterranean populace was quite at odds with the message which the Prophet Mohammed taught against "superstition in all its forms."⁹ Pre-Islamic Arabia saw sexuality, and especially menstruating women, as a source of pollution and negative forces. Jewish beliefs (present in the Jewish community of Medina) echoed these *jahiliyya* (era of ignorance) beliefs which the Prophet condemned.¹⁰ Islam sees sex and menstruation as literally *extraordinary events*, but not events which somehow "annihilate" the presence of the divine in women, or make women *negative*.¹¹ The Prophet himself demonstrated his antipathy towards the ignorant practices which excluded menstruating women. After the death of the Prophet, his wives were interviewed and consulted as to how the Prophet himself behaved towards menstruating women, and after the sex act itself. 'A'isha was considered the most educated person, with the best discernment and sagacity, who was closest to the Prophet and could give the most accurate information concerning the *fara'id*, the daily duties of Muslims, rituals, etc.¹² In fact, when asked whom he loved most in the world, the Prophet answered, "'A'isha."¹³ 'A'isha and his other wives reported that he often went to prayer in the same clothes he had spent the night *janaban* (referring to the contamination by the act of sex), without making any purification. Even during the holy month of Ramadan, the Prophet did not purify himself after making love. Neither did he abstain from fasting after sex until he had cleansed himself. Abu Hurayara, a companion

⁹Mernissi, Fatima, p. 74

¹⁰*Ibid.*, p. 73-4

¹¹*Ibid.*, p. 74

¹²*Ibid.*, p. 70

¹³*Ibid.*, p. 65

who will be discussed later, recounted on his death bed a hadith he had perpetuated. That particular hadith, in which the Prophet supposedly said, “he whom the dawn finds sullied (*janaban*), may not fast,” contradicts the actual behavior of the Prophet.¹⁴

One oft-quoted hadith says, “The Prophet said that the dog, the ass, and woman interrupt prayer if they pass in front of the believer, interposing themselves between him and the *qibla*.”¹⁵ Such a saying contradicts what we know about the life of Mohammed, and his teachings about women in general. The *qibla* is the **orientation of a Muslim at prayer**, toward the *Ka’ba*, which Mohammed changed from a center of idolatrous cults, to the most holy, sacred place of Islam. The *Ka’ba* was also the *qibla* of Abraham and Ishmael. Mohammed’s decision to turn away from praying towards Jerusalem, and towards the Ka’ba in Mecca during prayer, transformed Islam into both a monotheistic religion in the Judeo-Christian tradition, and a separate religion which vies for the souls of the world’s peoples with Judaism and Christianity.¹⁶ The *qibla* gives Muslims an Arabic religious heritage (as it was the site of an altar built by Ishmael and Abraham). It gives Muslims *perspective*--all Muslims pray towards the Ka’ba, and it is an important expression of their unity. The Prophet himself could set up a *qibla* wherever he was, and figuratively pray towards the Ka’ba, by thrusting his saber in the ground before him. The whole world was his mosque.¹⁷

Any space can become Islamic space, but once a *qibla* is established, a person must avoid being distracted. Thus the hadith arises in which the Prophet supposedly says a woman distracts and interrupts prayer, that she is no better than a dog or an ass, that she is a polluting influence, that there exists a contradiction between her presence, and

¹⁴Ibid., p. 73

¹⁵Bukhari, *Sahih*, vol. I, p. 99

¹⁶Mernissi, Fatima, p. 65-9

¹⁷Imam, Nasa’i, *Al-Sunan*, vol. I, p. 211

the divine nature of prayer.¹⁸ This statement does not make sense when the Prophet's own habits in prayer are examined. 'A'isha contested that hadith, saying that, "You compare us now to asses and dogs. In the name of God, I have seen the Prophet saying his prayers while I was there, lying on the bed between him and the *qibla*. And in order not to disturb him, I didn't move."¹⁹ Furthermore, the companion who perpetuated that hadith and other misogynistic hadith appears to have been very sensitive about femininity--the Prophet nicknamed him Abu Hurayra, which means Father of the Little Female Cat. Abu Hurayra carried around a little female cat he adored, and he also had a "womanish" job--he "helped out in the women's apartments."²⁰

There was another occasion where Abu Hurayra recounted a strange hadith. He claimed that the Prophet declared that a woman "went to hell because she starved a little female cat and didn't give it anything to drink." 'A'isha reproached him, retorting, "A believer is too valuable in the eyes of God...for Him to torture that person because of a cat...Father of the Little Cat, next time you undertake to repeat the words of the Prophet, watch out what you recount."²¹

Other strange teaching, which reflected the pre-Islamic *jahiliyya* beliefs of women as a source of pollution, were perpetuated by other companions. Ibn 'Umar, for example, ordered women to unbraid their hair before performing the purification ritual. Surprised at the oddity of this teaching, 'A'isha responded that when she was with the Prophet, they shared the same bucket of water to purify themselves--and she never

¹⁸Mernissi, Fatima, p. 70

¹⁹Bukhari, Sahih, vol. I, p. 199

²⁰Mernissi, Fatima, p. 71-2

²¹Zarkashi, Imam, *Al-Ijaba*, p.118

unbraided her hair! “That’s strange...Why, when he was about it, didn’t he order them to shave their heads?”²²

These example of Hadith demonstrate the desire among many male Muslims to reassert *jahiliyya* male dominance. They succeeded in doing so by perpetuating false hadith which were contrary to the egalitarian practices of Mohammed. Powerful men like Ibn ‘Umar used their proximity to the Prophet, and ensuing authority, to put words in the Prophet’s mouth which slowly but surely eroded the many gains women had made during Mohammed’s lifetime. The many hadith which presumed women to be essentially “polluted” by nature put restrictions on the most private aspects of women’s (and their husbands’) lives—for example, the misconception that one must refrain from sex (*janaban*, considered defiling) during Ramadan so that one could continue to fast (one of the five pillars, or requirements, of the Islamic faith). The ritual cleansing before prayer is yet another private matter which was complicated by Ibn ‘Umar’s order to women to unbraid their hair before performing the ablutions. The hadith reported by Abu Hurayra which classified women, with dogs and asses, as distractions, was and is used to exclude women from some mosques.

In the Islamic law of the Ottoman Empire, men and women, slaves and freemen, Muslims and non-Muslims are classified according to where they fall in these categories. Each person has a specific value, for example, a woman is lawfully worth one-half of a man. In cases of inheritance, a woman would receive one-half of a man’s inheritance; an injured woman would receive one-half the compensation of a man for a comparable injury. In a court case, the rules for evidence (in most cases) require the testimony of two men. If there are not two male witnesses, then one male and two female witnesses

²²Mernissi, Fatima, p. 73

are required. No matter the number of female witnesses available, their deposition is invalid without male affirmation--implicitly, "women are not trustworthy without male tutelage."²³

This concept of women as lesser beings spills over into the laws and traditions which evolved around the marriage contract. The evolving Protestant concept of *marriage as a partnership* is nonexistent in the Muslim concept of marriage in the early modern Ottoman Empire. The laws of slavery were, in fact, closely related to the laws of marriage, which sought to create *not* a family around the husband and the wife, but instead a *patriarchal household*, in which a husband could have as many as four wives, and as many slaves and concubines as he could afford. Equally weakening for the status of wives is that all offspring, be they from slave, concubine, or legitimate wife, are entitled to the same social and legal rights. *Nasab*, or descent, was traced through the male line. Children were affiliated to the mother, according to the law, only in cases of *zina* (fornication), or when the husband *repudiates* both the wife and her child, in a process called *li'an*, because he believes it to be the offspring of another man.²⁴ In the family of the sultan, the son of a concubine was no less eligible than the son of a licit wife for the throne. In fact, legal marriage for the sultan lapsed in the mid-fifteenth century (until the monogamy of Suleyman the Magnificent), having been primarily a tool of diplomacy. The son of a concubine was preferable, in fact--since the only *female* to hold the title of sultan would be the mother of the reigning sultan, a non-royal claimed less clout and political influence.²⁵

²³Imber, Colin, "Women, Marriage, and Property: *Mahr* in the *Behçetü'l-Fetava* of Yenisehirli Abdullah," in Zilfi, Madeline C., ed., *Women in the Ottoman Empire: Middle Eastern Women in the Early Modern Era*, Brill, Leiden/New York/Köln, 1997, p.82.

²⁴*Ibid.*, p. 82.

²⁵Peirce, Leslie P. *The Imperial Harem: Women and Sovereignty in the Ottoman Empire*, Oxford University Press, New York, Oxford, 1993, p. 18, 29-30

Legal rules existed which made marriage almost as precarious an institution for men as for women. The ex-husband was legally affiliated with any child born to his former wife within two years after the marriage. The husband was permitted, under law, to repudiate his wife by merely articulating a “valid formula of divorce.” However, this rule could easily backfire, for *any* expression of a valid divorce formula meant instant annulment. Even if the husband had no intention of divorcing his wife—if he was joking, or inebriated—the divorce was nonetheless valid. Other restrictions existed, for example, in cases of *zihar*, when a husband compared his wife to a close female relative (with whom marriage would be prohibited), or *‘ila*, where a husband vows to abstain from sex, divorce was automatic. Or, if a husband says, “If I do X, you are divorced,” then the moment X occurs, the wife is divorced.²⁶

For a Muslim woman to obtain a divorce, the rules were more complicated. Whereas a husband could divorce his wife at any time, a woman had three opportunities to divorce. If she has been given in marriage as a child by someone *other* than her father or paternal grandfather, she may repudiate her husband when she reaches puberty. However, she can do this “*only at the very moment of the first appearance of menstrual blood.*”²⁷ Any delay, and this alternative expires. A wife may also divorce her husband if *he gives her* the authority to repudiate him. As with the first option, the wife must act immediately, or lose the opportunity. The third type of divorce, a *khul’* divorce, occurs when the wife asks the husband for a divorce, and pays him a sum in kind. The laws in these cases obviously work in favor of the husband, as they do on other occasions where a wife might seek separation from her husband. Upon her marriage, a wife might seek separation by applying to the *qadi* (*kadi*), or judge in a court

²⁶Imber, Colin, p. 82, 84-5

²⁷Ibid., p. 85

of religious law, if her husband had a disfiguring disease or was impotent. As in the first two cases, there is a statute of limitations--a woman cannot seek separation for impotence, etc., if it is not evident on their *wedding night*. Even if she succeeds in obtaining a separation from her husband, the *qadi* gives the husband a year to consummate the marriage. If he succeeds in having sexual relations within the year, then the couple remains married.²⁸

Should the marriage end, either by the husband or the wife's efforts, the law favors the husband in all aspects. The husband retains custody of the children (males after their infancy, and females at the occurrence of puberty), since all *nasab* (descent) is traced through him. There is no "alimony" or maintenance from the former husband, because *nafaqa*, or maintenance paid to the wife *during* marriage, is paid in return for availability for sexual enjoyment, which terminates at the end of a marriage.²⁹

Before a marriage can end, it must come into existence. In early modern England, and in the Ottoman Empire, men and women were married "as consequence of a contract."³⁰ As in England, whose marriage laws shall be discussed later, the consent of the parties was necessary. However, Muslim women were more often than not contracted by their fathers or another male member of their family, and neither the bride nor the groom had to be present at the conclusion of the contract for it to be valid. If we infer that the groom desires to marry, the first element of a valid contract is the consent of the bride. Silence, or crying sans sobbing, was considered sufficient for the consent of a virgin (who would have "maidenly bashfulness"), but widows and other *thayyib* or non-virgins were required to give verbal consent.³¹ The *words* which constitute a valid

²⁸Ibid., p. 85

²⁹Ibid., p. 83

³⁰Ibid., p. 86

³¹Ibid., p. 86

contract are not dissimilar from the English contract we will read of later. The bride's parent or guardian (or, the adult woman herself, though most often male paternal relatives negotiated the contract) pronounced words which imply a *transfer of property*. They could say, "I have given myself/my daughter to you/to X," "I have married myself/my daughter....," or perhaps "I have *sold* myself.....to you/to X."³²

The *wali aqrah* is the second element of a marriage contract--the authorization of the bride's nearest guardian, *wali*, who is, by definition, a *paternal* male relative. First, this would be her father, then her paternal grandfather, and so forth. When there are no paternal relatives, the *qadi* is appointed, and *not* the bride's maternal relatives (male or female). Since the woman is likened to *property*, given to the groom with the authorization of her father or other paternal relatives, she passes from the guardianship of one male to another. The Muslim woman always remains under the "tutelage" of men, from the men *she* descends from, to the man who *her own children* will descend from.³³ Except in the previously mentioned cases of *zina* and *li'an*, all *nasab* is traced through the male line. By excluding even *male* maternal relatives from negotiating a marriage contract, the *female progenitor* and *her nasab* is always excluded from having an impact on her daughter's marriage.

The third element of a marriage contract concerns *kafa'a*, or equality. Without the permission of her father/guardian, a woman may not marry an *inferior man*. *Kafa'a*, an Islamic sociolegal principle, discouraged women from marrying men inferior in social status. The status of a Muslim male, for example, was not threatened by marriage to a non-Muslim, but that of a Muslim *female* was.³⁴ A woman, as property, and as a

³²Ibid., p. 86

³³Ibid., p. 86

³⁴Peirce, Leslie P., p. 29

submissive entity, was subject to the desires of her husband. A Christian husband, for example, would have influence over the wife's faith, whereas a Muslim husband can control his wife, and insure she remains Muslim; otherwise he will be unswayed by her differing faith. For example, a certain *fatwa* (an authoritative opinion on Islamic law by a Muslim jurist, i.e. *qadi*) gives the example of a woman contracted to marriage, but who is able to be divorced before the marriage is consummated because she becomes Muslim, and her groom does not.

(14) The non-Muslim Zeyd marries the Christian Hind, naming so-and-so many akçes as mahr. Then, before intercourse, Hind is ennobled with the honor of Islam. Islam is offered to Zeyd, but he refuses to accept. If Hind is therefore separated from Zeyd, is she able to take half the named mahr from Zeyd?

Answer: Yes.

[Proof-text]: Refusal is like this. If it is after intercourse, she receives her entire mahr. If it is before, she receives half, if it was he who refused Islam; but if it was she who refused, she receives nothing.

"Minah al-ghaffar" on the marriage of infidels.³⁵

The shame of sharing a bed with an infidel, a man of lower status and/or different faith, debases her *nasab* or descent, and that shame "attaches itself to her father."³⁶ Marriage *can* be valid without the consent of the guardian, or even without *kafa'a*, so long as father or guardian of the woman has *authorized* her to marry. In the case of Hind and Zeyd just mentioned, the element of *mahr* is mentioned, and this is the *one crucial element* (along with the proper "formula") which is *requisite* to a bona fide marriage.³⁷

Mahr differentiates Islamic marriage from marriage in England, be it clandestine or formal. In an early modern English marriage, "*That Which the Wife Hath Is the*

³⁵Imber, Colin, p. 96

³⁶*Ibid.*, p. 87

³⁷*Ibid.*, p. 87

Husband's." In T.E.'s *The Lawes Resolutions of Women's Rights*, a brief section sums up how the property of a wife is handled post-nuptials.

For thus it is: if before marriage, the woman were possessed of horses, neat, sheep, corn, wool, money, plate, and jewels, all manner of moveable substance is presently by conjunction the husband's to sell, keep, or bequeath if he die. And though he bequeath them not, yet are they the husband's executor's and not the wife's which brought them to her husband.³⁸

Simply, whatever the wife once owned, is now owned by her husband, including everything thing she owned *before* marriage, and all given to her after marriage, even the shift on her back.

In the Ottoman Empire, because of the Prophet's decree that women should receive inheritances just as men do, Muslim women are permitted to own property. Upon marriage, the giving of the *mahr* marks the transfer of property from the *husband to the wife*. Since the formula for marriage itself implies that the woman is given to the man, this transfer of property is an *exchange*, literally, for the *ownership (milk) of his wife's vulva*, ('*iwad 'an al-bud'*, *badal al-bud'*); ownership of his wife's sexual organs.³⁹ Ownership of the vulva distinguishes sexual intercourse in marriage from *zina*, or fornication (sex without ownership), or from *shubhat al-milk*, "quasi-ownership."⁴⁰

The minimum value for *mahr* is ten dirhams, because ten dirhams is the minimum amount of a *theft* which will incur the punishment of the amputation of a hand. As ten dirhams is the minimum value of a limb as established by Islamic law, it becomes the minimum amount for acquiring ownership of one's wife's vulva.⁴¹

³⁸E., T. *The Lawes Resolutions of Women's Rights*, John More, esq., London, 1632, Book 3, p. Kv

³⁹Imber, Colin, p. 87

⁴⁰*Ibid.*, p. 87

⁴¹*Ibid.*, p. 88

The other significant exchange of property in the marriage, from husband to wife, was a sort of *maintenance* fee, the *nafaqa*, which was paid in exchange for the sexual enjoyment of the vulva he purchased with the *mahr*. By law, the husband must pay this maintenance to his wife, his slaves, and any dependent relatives. In legal theory, the *nafaqa* is recompense for the right of the husband to confine his wife, and for *ih tibas*, the right to prevent access to her. This included, of course, strangers, but even her own parents were allowed to see her only once a week. Beginning in the twelfth century, the *qadis* saw *nafaqa* as *not a privilege*, but paid in return for the wife's being available to her husband for his sexual gratification. A wife who was ill, for example, and could not handle sex, did not warrant the *nafaqa*. The duty of the wife was seen as primarily *sexual*. Marriage, it would appear, was one step away from prostitution.⁴²

The *mahr* still had to be paid if the marriage ended, or was unconsummated—actual consummation (“taking possession of the wife’s vulva”) was not required. If the husband was impotent, if there was no “legal, actual or natural impediment to intercourse” (i.e. the marriage took place in the presence of witnesses but was not consummated.), or if the marriage was consummated but was an invalid marriage for one reason or another—in all these cases, the *mahr* was still paid.⁴³ The *nafaqa*, however, was paid only during a marriage, to a wife who was not disobedient (*nashiza*).

* * * * *

Let us now examine some of the aspects of early modern English marriages. Marriage was a highly privileged status, as at least a tenth of the population never married, and mortality rates were such that only thirty percent of the population was

⁴²Ibid., p. 83-4, 88

⁴³Ibid., p. 95-7

married at any particular time.⁴⁴ Persons did not begin to consider marriage until they were economically independent. The number of weddings was restricted by limited opportunities, for artisans and peasants, for land ownership, employment, and housing. The traditions of live-in service and apprenticeship kept young people out of the “marriage market” until their mid twenties to early thirties—young men would scarcely begin to consider marriage until they were near or at the end of their apprenticeships, when they became members of a guild, for example.⁴⁵

Marriage marked a change for men, who would rise to superior status and power within a community. Once married, men would often side with other married men in parish politics or even in village games, and as economic divisions increased in the sixteenth and seventeenth centuries, the boundary of marriage was “further reinforced by considerations of property and status.”⁴⁶ The close friendships between single persons would be changed by courtship and an approaching marriage. For women, however, it marked an end to rights, as English common-law saw husband and wife as one person, personified in the man.

Celebrations such as Mayday and St. Valentine’s Day, and rambunctious round dances and kissing games that are now the province of school children, were in the Early Modern period quite acceptable for young adults. Boisterous games, festivals and dances allowed young persons an outlet for heterosexual interests and urges, while controlling the heterosocial environment by keeping interaction in the “realm of play.” Young persons could cross social and sexual boundaries of ordinary life without

⁴⁴ Wall, Richard. “The Household: demographic and economic change in England, 1650-1970,” *Family Forms in historic Europe*, eds. R. Wall, J. Robin, and P. Laslett. Cambridge, 1983, p. 498

⁴⁵ Gillis, John R. *For Better, For Worse: British Marriages, 1600 To The Present*, Oxford University Press, Oxford/New York, 1985, p. 22

⁴⁶ *Ibid.*, p. 42

threatening social order.⁴⁷ “Pairing off” (which would become a mark of more genteel society) was prevented by the circulation of partners. In a popular game such as “Kiss in the Ring,” partners were exchanged often, so that any intimacy beyond friendship (as a result of prolonged conversation and flirtation) was near impossible.⁴⁸

Though divisions between the propertied and the landless were widening in the sixteenth and seventeenth centuries, it was not reflected in the festivities of the young. The rituals of St. Valentine’s Day, and the “heaving” traditions of Easter Monday and Tuesday still saw those with property (excepting the “highborn”), the yeoman and small tradesmen’s children, intermixing with the children of peasants and servants.⁴⁹ The “lifting” or “heaving” traditions of Easter Monday and Tuesday date to the thirteenth century. On Easter Monday, men would seize women, and would take their shoes, or threaten to lift them in a chair, unless bought off with a small present, money, or even a kiss! On Tuesdays, the *women* did the lifting and seizing. In the Midlands, men were said to “run long distances, climb walls, etc. to escape organized bands of women on the look out for sport.”⁵⁰

Annual parish feasts, “wakes,” and hiring fairs were times for young persons to size up members of the opposite sex. In Artigat, France, part of a young girl’s transition to womanhood was to dance at the Assumption Day Feast with a village lad.⁵¹ Young men would engage in “wrestling, cudgeling, and other tests of strength” before an interested audience of young women, who, in the words of Sir Thomas Parkyns, “came

⁴⁷ Ibid., p. 23

⁴⁸ Ibid., p. 27

⁴⁹ Ibid., p. 24

⁵⁰ Ibid., p. 25

⁵¹ Davis, Natalie Zemon. *The Return of Martin Guerre*, Harvard University Press, Cambridge/London, 1983, p. 27

not thither to choose a Coward, but the Daring, Healthy, and Robust Persons, fit to raise an Offspring from...they sufficiently recommend themselves to their Sweethearts.”⁵²

Before the Marriage Act of 1753 declared that “*All contracts of marriage are not obligatory, whether made per verba de presenti, or per verba de futuro*,”⁵³ men and women in England were considered legally married by a verbal exchange of consent. The Common Law of England stated that “There needs no stipulation or curious forme of contract in Wedlock making, but such words as prove a mutuall consent are sufficient....”⁵⁴ The latitude which the law gave verbal contracts of marriage proved troublesome in the ecclesiastical courts of the Early Modern period. Betrothal, made either in haste, or after a lengthy process of arrangement between friends and relatives to create a favorable alliance, was not a “mere promise of marriage, as today, but part of actual marriage, and in practice the vital part.”⁵⁵ The very tense used in the verbal contract—whether it was spoken in the future or present tense—could render a promise void, and the existence of a “pre-contract” with another woman could enable an unsatisfied husband to escape a wife (with children) with whom he had cohabited for years.

Church court cases were decided on the apparent validity of a contract made between a man and woman. If the marriage was “clandestine,” or failed to obey the rules set by canon law relating to place, time, or ritual, the question of validity oftentimes made its way into the ecclesiastical court. These clandestine marriages could be made with or without witnesses (in which case the validity of a contract came down to the word of either individual). Though a single woman was unlikely to go to court, if she did, it was

⁵² Gillis, John R., p. 28

⁵³ *The Laws Respecting Women*, J. Johnson edition, London, 1777, p. 40

⁵⁴ E., T. *The Lawes Resolutions of Womens Rights*, John More, esq., London, 1632, p. 53

⁵⁵ Hair, Paul, ed. *Before the Bawdy Court*, Harper & Row Publishers, Inc., 1972, p. 239

often to complain that a man, who was betrothed to her, had not fulfilled his promises, or was going to marry another.⁵⁶ Examining how women (and men, in some cases) were able to prove the validity of a marriage contract proves an interesting study. Women used the *evidence that a man had entered into numerous contracts, tangible evidence of consent in a contract (i.e. evidence of sexual relations), and the word of witnesses* who heard the contract made to bring a man to justice.

Crucial to an understanding of the cases presented is knowledge of the types of marriage sanctioned (though not necessarily condoned) by law. *The Lawes Resolutions of Women's Rights* sought to "handle that part of the English Lawe, which containeth the immunities, advantages, interests, and duties of women."⁵⁷ It states that those marriages "made when a man is without witsnesse" are "tolerated, when by liquid & plaine probation" it appears to a Judge that no impediment exists to nullify the marriage. However, "it is so little esteemed of," that another promise, made in public after the first promise, "shall be preferred and prevaile against it." The law goes on to give reasons why it dislikes such marriages—the difficulty in proving their existence, and the burden upon the judge in deciding validity (and on either party as they wait to be loosed from a now-unfavorable bond).⁵⁸ There existed two types of marriage contract: *de praesenti*, where two persons were immediately bound in marriage by declaring in the present tense that they were husband and wife, and *de futuro*, which was a promise of future solemnisation of marriage.⁵⁹ It was undoubtedly difficult to discriminate between the two types of contract when passioned parties argued their status in court.

⁵⁶ Ibid., p. 240

⁵⁷ E., T., p. 3

⁵⁸ E., T., p. 53-4

⁵⁹ Houlbrooke, Ralph. *Church Courts and the People During the English Reformation, 1520-1570*, Oxford University Press, 1979, p. 57

Before examining a woman's (or a man's) attempt to bring the betrothed to justice, it is important to understand the reasons why a woman might enter into, or claimed she had entered into, a clandestine marriage. Why would a man, or woman, enter into a marriage in secret, without witnesses, or consent, or without the benefit of church solemnization? The law clearly looked down upon such marriages. The law also compelled any *unmarried*, unemployed woman between 12 and 40, "to serve and be retained by year, week or day...and if she refuse, they may commit her to prison, till she shall be bound to serve."⁶⁰ The law also punished fornication, and a woman with child was susceptible to be brought to court by the parish to force her to confess the father (so as to prevent an illegitimate child from burdening the parish with another mouth to feed).⁶¹ The unmarried, expectant mother figured prominently with the jilted suitor in bringing cases to the church court which dealt with matrimonial contracts.⁶² The law put women in a complicated position. A woman could not plea rape if "at the time of rape supposed, the woman conceive childe...for none can conceive without consent..."⁶³ At the same time, the law stated that "the Canons doe admit" that a man who ravished a maid or other unmarried woman can "marry with her if she consent."⁶⁴ The law also stated that a marriage made in secret was little esteemed of, "unless it be very manifest," and a woman with child could easily fulfill the "manifest" requirement. Marriage was considered consummate when there was both "consent of mind and will Conjunction of body."⁶⁵ Pregnant plaintiffs often argued that they consented to sexual intercourse only after the man made an oath of marriage.

⁶⁰ E., T., p. 8

⁶¹ Houlbrooke, Ralph, p. 76

⁶² *Ibid.*, p. 55

⁶³ E., T., p. 396

⁶⁴ *Ibid.*, p. 60

⁶⁵ *Ibid.*, p. 52-3

Nevertheless, the laws concerning marriage stated that once a contract has been entered into, neither party may enter into another so long as either party lives. This is a marked difference from the Muslim marriages in the Ottoman Empire, where the husband could easily end his marital ties by pronouncing himself divorced--just as easily as the Englishman could pronounce himself married. The Ottoman wife could also opt to end the marriage, though with difficulty, as described earlier. When a contract could be proved valid, a judge was forced to nullify any subsequent contracts, though it might be contrary to the best interests of other persons involved (i.e. children born into the second, untenable contracted marriage). Thus proving the validity (or invalidity) of a contract was of utmost importance to the parties involved.

Men were sometimes brought to court on charges of having made numerous contracts of marriage (and often seducing many young women along the way). Margaret Carnwell and her betrothed, Alexander Gourlay, were ordered "to separate and be divorced" when it was discovered that Alexander "had another marriage partner living in foreign parts." Though Carnwell and Gourlay had made a promise of marriage "followed by carnal knowledge," it was null and void "from the beginning...by the rules of the church and the sacred canons" because Gourlay had contracted betrothal followed by carnal knowledge with Gertrude Ogilwy.⁶⁶ The court ruled that Gourlay and Ogilwy were legally married, and Margaret Carnwell found herself unmarried. English women were left high and dry by invalid marriages dissolved by the courts. Though Islamic women had *mahr*, and were permitted to retain any property they brought into the marriage, in reality both groups of women were left impoverished.

⁶⁶Hair, Paul, p. 79

In 1535, in Slaley, Northumberland, an Anthonie confessed to the vicar of his church that he had made a contract with Marion Martyne, though “I cannot denie but I have made a precontract with oone Jenat Armestronge and I knowe well that the 2d contract is of no effect...” Anthonie asked the vicar to speak with Marion about it, and Marion replied that “she would take the law upon the said Anthonie *for discharge of her sowle*.”⁶⁷ The reader has no way of knowing from the brief facts presented about this case whether or not the verbal contract was consummated, but Marion’s determination to bring the case to court demonstrates how *seriously* persons took a promise of marriage.

A similar case in Wood Dalling, Norfolk, found Simon Money charged with breach of contract by *two* women. A witness (Roger Bulwar) testified that Simon Money and Agnes Coldham were deeply in love with each other, and Bulwar thought they would marry. However, Simon “made a contract for marriage with another woman,” Agnes Lambard, causing (“because of her great love for Simon”) Agnes Coldham to become ill and nearly die. Roger Bulwar sent for Simon, who went to her, saying “she should not die by his fault.” Bulwar testifies he does not know precisely what was said between them, but “the common report was they made a contract for marriage.”⁶⁸ Both the “Agneses” had cause to bring Simon to court when a marriage did not transpire.

Women were not immune to the charge of more than one contract. When another contract existed, men (or women) could use it to escape a perhaps unpleasant second marriage. Even if the original contract had been abandoned by the consent of both persons, it could be resurrected, if necessary, to escape a second contract. Millicent

⁶⁷Ibid., p. 35

⁶⁸Hair, Paul, p. 75

Cheyne was brought to court in 1520 on charges that she had two husbands, and that she had lived with various men. Cheyne testifies that she *had* been married to a John Newman, but that she was legally divorced from him by the Colchseter court because she had a previous contract with John Croke. Millicent Cheyne then married John Croke, who later died. She subsequently married William Chayn. She was ordered to bring proof of her divorce to the court.⁶⁹ The existence of a previous contract saved Millicent from punishment as an adulterer. However, the “wise womaniser” could say the magic words of contract to a series of women, and thus have several precontracts to fall back on when the present escapade began to lose its appeal.⁷⁰ Christopher Kechyn was charged “on the evidence of common fame” with seducing many girls, and making contracts of marriage with several women. The banns were called for his marriage with Margaret Brok, when there already there were contracts with Alice Dristac and Agnes Moyne. Kechyn was “truly acting profanely.” Though he paid a reasonable sum to the wronged women, he was suspended when he did not appear in court.

Consent, as with Muslim marriages, was essential to the validity of a marriage. A promise made in the future tense was *mere betrothal*, which could be dissolved by following the appropriate procedures, but if that promise was followed by sexual intercourse it was considered *bona fide matrimony*.⁷¹ In the case of ambiguous words, the *sexual giving* signified current consent.⁷² Contracts made *per verba de presenti* created an indissoluble tie. Sir William Scott, in describing a judgment passed by Chief Justice Holt in 1704 in *Collins v. Jesson*, stated that, “if a contract be *per verba de*

⁶⁹Ibid., p. 162

⁷⁰Ibid., p. 241

⁷¹Outhwaite, R. B. *Clandestine Marriage in England, 1500-1850*, Hambledon Press, London, 1995, p.

⁷²Ibid., p. 2

praesenti, it amounts to an actual marriage which the very parties themselves cannot dissolve by release or other mutual agreement, for it is as much a marriage in the sight of God as if it had been *in facie ecclesiae*.”⁷³ A 1540 statute stated that “all marriage...celebrated in church and consummated were to be judged indissoluble ‘notwithstanding any precontract or precontractis of matrimony, not consummate with bodily knowledge’ that were made before marriage.”⁷⁴ This statute, passed to allow Henry VIII to marry Anne of Leazes, was thrown out by Parliament eight years later because men and women were apparently “breaking their own promyses and faythes made by the one unto the other.”⁷⁵ The law saw *verbal contracts*, with the consent of both parties, as the vital part of the marriage and essential to its validity, regardless of whether the verbal contract was followed by sexual giving.

Edward Bradley brought witnesses to testify that Cicilia Hennant had agreed to marriage when, “by her own account,” she had behaved ambiguously when he posed the question. Bradley “took her by the had she thinking nothing and asked her whether she could be content to forsake all men and take him to her husband, to the which she answered nothing, but took the cup and bade him drink and so departed.” Bradley and his witnesses saw her *silence as consent*.⁷⁶ Thus the perceived meaning of words (or lack of them) were often at issue in the courts. Joyce Bradwicke was ordered in 1633 to pay “Alexander Becke the somme of xx s. for promising him marriage...and nowe refusing to preforme the same.”⁷⁷ Ninian Stewart, who committed fornication with two women and promised marriage to one of them, Annaple Hyndman, confessed in court

⁷³Ibid., p. 2 (from English Reports, 161, p. 671)

⁷⁴Ibid., p. 19

⁷⁵Ibid., p. 19

⁷⁶Amussen, Susan D. *An Ordered Society: Gender and Class in Early Modern England*, Columbia University Press, New York, 1988, p. 105.

⁷⁷Hair, Paul, p. 46

(eight years after the charge of fornication!) he had promised marriage but that “he had no mind to it.” Annapple came to court complaining that Ninian “was minded to desert her and to marry another wife without giving her satisfaction.” She asked the court to prevent Ninian from marrying another woman until he married *her*, or until he gave her “quhat he promised.”⁷⁸ The court, “having considered the busines find no clearnes to give him way to any other” until he satisfied Annapple.⁷⁹

In the mid-seventeenth century, in Somerset, 60% of “pregnant or bastard-bearing women” claimed a “verbal promise tantamount to marriage” to explain their condition, since the ambiguity of vows was supposedly resolved by sexual intercourse.⁸⁰ One quarter of all women (according to twelve parishes’ records from 1550-99) produced their first child within nine months of their marriage in church. Taking into account that some couples are infertile, premature births, deliberately postponed baptisms, and the fact that not all sexual encounters end in conception, the actual percentage of women who engaged in prenuptial sex was probably far above 25%.⁸¹ This was not, however, a “promiscuous society,” and sex was, for most women, “contingent on the promise of marriage.”⁸² In Somerset, in 1623, John Duddrige was brought to court on charges of fornication with Jane Vinobles, but he claimed there existed a pre-contract which allowed their sexual activity.⁸³ A public wedding could be humiliating for a heavily pregnant woman, and a clandestine marriage could reduce the risk of a charge of “pre-nuptial fornication” or incontinence.⁸⁴ In 1584, Ellen Stanton

⁷⁸*Ibid.*, p. 42-3

⁷⁹*Ibid.*, p. 44

⁸⁰Outhwaite, R. B., p. xx

⁸¹*Ibid.*, p. 43

⁸²*Ibid.*, p. 43

⁸³Hair, Paul, p. 119

⁸⁴Outhwaite, R. B., p. 60

(who feared herself with child) was brought to court for incontinence, but she claimed that she “yelded herself unto” William Dawson *only* when they had “promised betwene themselves with faith and trewth the one to the other as man and wiffe...”⁸⁵

Clandestine marriages did not take as much time as public ceremonies because there would be no delay for the proclamation of the banns, thus making them appealing for women who desired their child to be born “legitimate.”

The popular view “that after a couple have talk of marriage it is lawfull for them to have carnal copulation” encourage pre-nuptial sex, as well as making the promise of marriage a “common ploy in seduction.”⁸⁶ Helen Hathwat’s wedding was planned, the guests had been invited, and the wedding clothes bought when her betrothed left for London and never returned. Hathwat was pregnant; George Hunter, her husband-to-be, married another woman and settled in Essex.⁸⁷ Hathwat was in an unfortunate predicament, and other women like her sought retribution via the court. In 1530, in St. Ives, Joan Martyn alleged that Robert Blundell had made a contract of marriage with her, and that he had “known her and impregnated her.” Blundell admitted all this, and testified that he said to her “I will mary thee and iff thowe wylt lett me have adoo with thee and she sayde certayn I will never have noon but you’, and upon that they had adoo together.” The chancellor declared them to be husband and wife, and ordered them to solemnize their marriage in the church “under pain of major excommunication.”⁸⁸ If both partners were free, it was not unusual for the court to declare the parties married when the woman was pregnant, and had been promised marriage.

⁸⁵Hair, Paul, p. 102

⁸⁶Amussen, Susan, p. 110

⁸⁷Ibid., p. 112

⁸⁸Hair, Paul, p. 56

The use of witnesses was essential in establishing the reputations of either party involved, or in determining whether the correct words were used when making the contract. In 1575, for example, Ralph Lockoe brought in no fewer than eight reputable men of his community to testify on his behalf when accused of fornication with a servant. His "honest neighbors" said "they thinke the said Lockoe to have taken his othe truly," and Lockoe was dismissed.⁸⁹

When matrimonial cases came to court, it was because of confusion about the validity of the contract, unfulfilled conditions, or parental pressure. Thus, the reputations of the witnesses themselves was important to the outcome of a case.⁹⁰ John Barnes failed to persuade Thomazine Aldham to marry him, but he did persuade two of his friends to testify in court that they had witnessed a promise of marriage between himself and Aldham. Financially, Barnes would have made an excellent match with Aldham, had she agreed to marriage. But unfortunately for Barnes, his "witnesses" admitted four months later that they had never seen the promise, but had been asked by Barnes to testify in place of the actual witnesses who "lacked sufficient credit to testify."⁹¹ Richard Seller, alias Thersther, found himself in court when a woman and her family said under oath that he had promised her marriage. Joan Clerk, the mother, testified that she had heard Richard say to her daughter Katherine, "You have made a contract with me and you are not to kiss any other man." Katherine Clerk, "sworn to answer truly," said that Richard took her by the hand and said, "I will never take any woman for wife but you." She responded, "I will never have any man as husband but you." Rings were exchanged that "confirmed the contract," and the summary of the case

⁸⁹Ibid., p. 85

⁹⁰Amussen, Susan, p. 107

⁹¹Ibid., p. 107

states, "Moreover, it is common knowledge that Richard and Katherine were contracted."⁹² Richard's testimony that there had been mere *talk* of marriage was not likely to hold up when numerous witnesses (and "common knowledge") confirmed the existence of the contract. The frequent referral to his "aliases" shows the court's lack of faith in the testimony of Richard Thersther/Seller. Richard was ordered not to contract with any other woman until "his lordship the Commissary" gave his decision.⁹³

Women in Early Modern England used several approaches when attempting to bring a betrothed to justice, with varying success. If the man in question failed to appear in court, there was little a woman could do in a society where the *men* were mobile, but women usually were not. However, if he did appear, her shape alone could give a judge sufficient reason to declare a couple married. Witnesses who could attest to the nature of the couple's relationship (as in the case of Simon Money and Agnes Coldham), or who could testify that a valid contract existed, were essential to the cases of many women. A man who entered into a string of marriage contracts could often escape being forced into any particular marriage, as he could have a series of contracts to fall back on. A determined woman who found herself left high and dry when a compulsive contractor moved on to his next exploit could find justice in the court, though her reputation may not have been so easily restored.

In a letter written during the seventeenth century, a gentleman named Lake Palmer summed up society's view that "in a Dishonourable Amour, the Woman's most to blame": "They run much the greater hazard in their Person and Reputation. They know all this, they have heard a thousand times, that those Oaths on which they force our sex in those matters, are reckon'd but things of course, and no more Obligatory than

⁹²Hair, Paul, p. 76

⁹³Ibid., p. 76

their own vows of Eternal Friendship...It ruins the woman, but which of you likes the Man ever the worse?...for if you fall, farewell forever!" The variety of marriage contract cases dealt with by the ecclesiastical courts of England fill volumes, before (and even after) the passage of the Marriage Act of 1753. Perhaps more telling than the documentation that survives about women in contract cases, is the comment by a Madam Crockford, who responded to Lake Palmer's letter. She said, "But you say we like you the better for your Slips of Youth, as you call your worst of crimes: Did any Woman ever tell ye so?" If women resolved to "marry none but those of undoubted Virtue and Honesty, twou'd be the same thing, as to vow perpetual virginity"...it would be impossible to find enough men to keep "100 of the women in England out of a Nunnery." If a woman in Early Modern England could find some retribution in the courts, or if at least she sought some recompense, she might obtain a small measure of success in a world where she was a second class citizen. Justice was not completely blind to her situation and plight, and neither was she.

* * * * *

The environments which sixteen and seventeenth century women in England and the Ottoman Empire found themselves in were shaped by different historical forces, yet the sexes were viewed with the same underlying sentiments. Men were superior; women were second class citizens. In the Islamic Empire, a man could divorce his wife merely by pronouncing the words, "You are divorced." In Christian England, a man could not (legally) escape from marriage so easily, but could make a succession of invalid contracts by declaring, "I am your husband, and you are my wife," with every contract after the first null and void. Though an Islamic woman could retain the small amount of property she brought into a marriage, both she and the average English woman were, in marriage, dependent on their husbands for food and clothing. A woman's place was in the home,

despite the fact that both societies sent women into the workplace as domestic servants, midwives, and prostitutes, and the gender segregated nature of the Islamic upper classes necessitated female peddlers, barbers, doctors and undertakers. Women in both societies were criticized for their dress, though in somewhat different ways. English women were encouraged to forego appurtenances in favor of a more natural appearance, whereas the Ottoman women were permitted to heighten their appearances for their husbands. Both sets of women, however, were criticized for wearing makeup and/or fancy clothing in public, with the rationale that it implied licentiousness. This, of course, is only a small part of the many factors which could affect a woman's reputation, which was very important to both Islamic and Christian households. Equal in importance to a woman's honor was the significance of childbirth, and insuring the continuation of the male line.

What do these facts and others reviewed in this paper mean when they are taken together? Can we, as twenty-first century readers, understand how these women thought, felt, and lived? The factors which shaped women's lives (for example, the veiling of Islamic women, and the unbreakable *de praesenti* contract of marriage in England) were in turn shaped by many years of patriarchal authority, and family systems built around submission to the powerful father figure. The two societies examined in this paper based their identities in a firm patriarchal system that extended from each group's religious beliefs, to their monarchical governments, and all the way down to an individual's relationships with family and peers. Any threat to this patriarchal identity was a threat to the power base, and a threat to the very existence of the society itself. The political and religious histories of both the English and the Ottomans were written by men. Women of this era had little or no historical basis for an increase in their rights beyond what was articulated in these histories. The very interpretation of these histories was also biased towards male supremacy. Though a discourse of partnership as a new

standard for marriage was emerging in England, and the words of the Prophet Mohammed called for equality between men and women, reality did not reflect these rosy sentiments. Essentially, these two groups of women were linked by complicity in their own subjugation. Yet the strength of the factors which shaped their existence, from their most private moments, to their most menial actions, were such that any move towards equality would be difficult. Nearly all the (man-written) literature, and most public discourse supported a submissive woman, and criticized any behavior which went outside the boundaries set by patriarchal traditions. Our Islamic and Christian foremothers are certainly linked by their subjugation, and their apparent acquiescence, but they are also joined in the ways that their separate histories formed patriarchal societies with little room for growth. Women of that age did not have futures, with prospects, as the men did--they simply grew older. Over the ensuing centuries, change in the status of women would come for both cultures, but it would come at a creeping pace.

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Emily Anne Jackson was born in a blizzard, on February 12, 1978, in Willingboro, New Jersey. Growing up, she lived in Arizona, Maryland, Texas, and Northern Virginia. While in high school, Emily was captain of the women's varsity crew team, and a member of the Madrigal Singers. She graduated in the top two percent of her class at Woodbridge Senior High School in Lake Ridge, Virginia. She was awarded an Air Force ROTC scholarship, and the Commandant's Leadership Award scholarship for the Texas A&M Corps of Cadets. She was named Outstanding Air Force ROTC freshman at the end of her freshman year. During her sophomore year, she received the American Legion award for scholastic achievement, and was awarded an ROTC scholarship for the Marine Corps. After serving as the scholastics sergeant for the 1st Regiment of the Corps of Cadets during her junior year, she was awarded the Keary Castleberry Memorial award for Outstanding Marine Junior (which included the presentation of a Marine Corps officer's sword). She received the General George S. Patton scholarship during her junior year, and was appointed to be the Executive Officer of the 1st Regiment for her senior year. Emily attended the Marine Corps Officer Candidate School during the summer of 1999. In the fall of her senior year, she was ranked first among Naval and Marine ROTC midshipmen at Texas A&M, and was named a Distinguished Naval Student. In August of 2000, Emily will be commissioned as a second lieutenant in the Marines, and will be married to a fellow officer. She is grateful for the many blessings God has given her, the unwavering support and encouragement of her family and future husband, and looks forward to serving her country.